

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GENARO VALENTINE MORALES,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Respondent.

Case No. 1:23-cv-00614-CDB (SS)

ORDER GRANTING MOTION TO
PROCEED IN FORMA PAUPERIS AND
DIRECTING CLERK OF COURT TO ISSUE
SUMMONS, SCHEDULING ORDER, AND
CONSENT OR REQUEST FOR
REASSIGNMENT DOCUMENTS

(Docs. 4-5)

Plaintiff Genaro Valentine Morales (“Plaintiff”) seeks judicial review of an administrative decision of the Commissioner of Social Security denying Petitioner’s claim for disability benefits under the Social Security Act. (Doc. 1). On April 20, 2023, Plaintiff filed a social security complaint and a motion to proceed *in forma pauperis*. (Docs. 1-2).

On April 24, 2023, the Court issued a screening order dismissing Plaintiff’s social security complaint with leave to file a first amended complaint and denying Plaintiff’s motion to proceed *in forma pauperis* without prejudice. (Doc. 3). The Court noted Plaintiff’s complaint did not specify the date an extension from the Appeals Council was granted and what good cause, if any, Plaintiff had in delaying his filing of this civil action. *Id.* at 4.

That same day, Plaintiff filed a first amended complaint and a second motion to proceed in

1 forma pauperis. (Docs. 4-5). Plaintiff noted on January 25, 2023, through Counsel filed a request
2 for an extension of time to file in US District Court pursuant to 20 CFR § 404.982. (Doc. 4 at
3 2). Pursuant to 42 U.S.C. § 405(g) and 20 C.F.R. § 422.210(c), the Commissioner “may allow”
4 a plaintiff “further time” to file an action to the district court. *See Bowen v. City of New York*,
5 476 U.S. 467, 480, n.12 (1986) (noting that “Congress has authorized the Secretary to toll the
6 60-day limit” and citing 20 C.F.R. § 404.911). Plaintiff claims on March 31, 2023, the Appeals
7 Council found good cause to grant an extension and provided him an additional 30 days plus five
8 by mail to file a complaint. *Id.* 2; (Doc. 4-3). Therefore, Plaintiff’s complaint is timely filed.

9 Accordingly, in light of Plaintiff’s representations (Docs. 4-5), and for good cause
10 appearing, it is HEREBY ORDERED:

11 1. Plaintiff’s motion to proceed in forma pauperis (Doc. 5) is GRANTED; and

12 2. The Clerk of Court is DIRECTED to issue the following: 1) a summons; 2) the
13 scheduling order; 3) the order re consent or request for reassignment; and 4) a consent
14 to assignment or request for reassignment form.

15 IT IS SO ORDERED.

16 Dated: April 25, 2023

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19 UNITED STATES MAGISTRATE JUDGE
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